

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2 and 13 are presently active. Claims 2, 3, 5, 8, and 9 have been amended, and independent claim 13 has been added by this amendment. No new matter has been added.

Claims 2-11 originally depended from independent claim 1. As amended, they all depend, either directly or indirectly, from newly presented independent claim 13.

In the outstanding Office Action, claims 1 was rejected under 35 USC 112, second paragraph, as being indefinite; and claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by Kobayashi et al.

In response to the rejection under the second paragraph of 35 USC 112, previously presented independent claim 1 has been canceled and replaced by new independent claim 13. The new independent claim is substantially similar in subject matter to the previously presented independent claim (which is why the rejection of the claim over Kobayashi et al. is treated below), but it has been redrafted to respond to the rejection under the second paragraph of 35 USC 112. Specifically, (1) paragraph (a) of newly presented independent claim 13 recites that the car has “a center of gravity in the horizontal plane” and (2) paragraph (f) recites that “one end of each of said first and second hoist ropes is fixed to the center of the right and left sides of said car at positions symmetrical with respect to the center of gravity of said car in the horizontal plane.” (Emphasis supplied.) Moreover, newly presented independent claim 13 provides express antecedent basis for various other terms used in previously presented independent claim 1.

It is respectfully submitted (1) that newly presented independent claim 13 presents no new issues and (2) that it is in condition for allowance at least insofar as the second paragraph

of 35 USC 112 is concerned.

As for the rejection of previously presented independent claim 1 as anticipated by Kobayashi et al., attention is particularly invited to the recitation in paragraph (f) of newly presented independent claim 13 that one end of each of the first and second hoist ropes “is fixed to the center of the right and left sides of said car at positions symmetrical with respect to the center of gravity of said car in the horizontal plane.” The outstanding office action emphasizes that “the office does not rely on the embodiment in FIG. 9 of Kobayashi for the teachings of first ends of the hoist ropes fixed to at least approximately the centers of the right and left sides of the car but instead relies on the embodiment in FIG. 13 and 14 of Kobayashi for the claimed structure of claims 1 and 2....” However, the embodiments of FIGS. 13 and 14 do not respond to that recitation. While Applicants of course realize that patent drawings are not intended to be precise, the difference between the recited structure and the structure disclosed in FIGS. 13 and 14 is substantial. Specifically, the distance from the points of attachment of the hoist ropes to the rear of the car is 2 9/16 inches, while the distance from the points of attachment of the hoist ropes to the front of the car is 1 1/16 inches—a ratio of 2.4 to 1. Thus, Kobayashi does not teach that the hoist ropes are fixed to the center of gravity, and certainly such a fixing arrangement is neither evident nor inherent in the meager Kobayashi disclosure.

Accordingly, it is respectfully submitted that newly presented independent claim 13 is patentably distinguishable over Kobayashi and in condition for allowance.

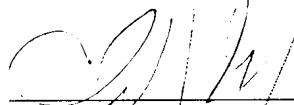
As for dependent claim 2, it has been amended to correspond to newly presented independent claim 13, but its substance has not been changed.

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An early and favorable action on this application is respectfully requested.

Respectfully submitted,

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